

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: February 16, 2005

Division: County Attorney

Bulk Item: Yes ☒ No ☐

Staff Contact Person: Pedro Mercado

AGENDA ITEM WORDING: Approval of settlement agreement in code enforcement lien in Monroe County V. Emanuel Micelli and Robert J. Petri

ITEM BACKGROUND: This is a code enforcement lien that dates back to 1995. The original citation was for a violation of the sign ordinance. Records indicate that the violation was brought into compliance in a timely manner however fines had already been imposed and on the date of compliance had accrued to \$3,220. The property owner contacted us after attempting to sell the property and learning, at that time, that there was a lien on the property. According to the property owner, back in 1995 she was told by the code enforcement board that no fines had been levied. Property owner had no documentation nor was there any documentation in the file other than the order imposing the lien. The file did contain a history of the violation including the compliance date. Based on the violators timely compliance and lack of subsequent history it seems appropriate to give the violator the benefit of the doubt and settle the case as we would for any violator that timely comes into compliance. The recommendation is to settle for ten percent of the lien amount or in this case \$322.00.

PREVIOUS RELEVANT BOCC ACTION:

None

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval

TOTAL COST: _____

BUDGETED: Yes ☐ No ☐

COST TO COUNTY: _____

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes ☐ No ☐ **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty *JA* OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL: _____

John D. Collins 01/31/05
(TYPE NAME HERE)

DOCUMENTATION: Included ☐ Not Required ☐

DISPOSITION: _____

AGENDA ITEM # _____

**BEFORE THE CODE ENFORCEMENT SPECIAL MASTER
OF MONROE COUNTY, FLORIDA**

The Honorable J. Jefferson Overby, Presiding

MONROE COUNTY, FLORIDA

Petitioner,

vs.

CASE NO.: CEB U2-94-1168

EMANUEL MICELLI AND ROBERT J. PETRI,

Respondent(s)

_____ /

SETTLEMENT AGREEMENT

The Petitioner Board of County Commissioners of Monroe County and Emanuel Micelli and Robert J. Petri, Respondent(s), hereby agree to settle the code enforcement lien imposed in the above-referenced case by the Special Master against property owned by the Respondent(s) as follows:

1. The parties agree to settle the code enforcement lien for \$322.00.
2. The property in question has a legal description of Lot 3, Baywood Subdivision, Key Largo, as recorded in Plat Book 1, page 102 of the public records of Monroe County, Florida (RE: #00439600-000100) OR: 1031, page 2016.
3. Upon approval of this agreement by the Board of County Commissioners, the Respondent(s) shall remit a check in the amount of \$322.00 made payable to the Board of County Commissioners.
4. Once the aforementioned check has cleared, the County will issue to the Respondent(s) a release and satisfaction of said lien for filing by the Respondent(s) in the Official Records of Monroe County.
5. The County will file a copy of the release and satisfaction in the official Code Enforcement file.
6. By entering into this agreement, the each party agrees to waive any and all claims that it could have raised and/or potential claims that it might have been able to raise as a result of the above-captioned code enforcement case.

7. Both parties warrant that they have had an opportunity to consult with counsel before entering into this agreement.
8. Each party agrees to bear its own costs and attorney's fees other than as specified in this agreement.

(SEAL)

Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Deputy Clerk

By _____
Mayor/Chairperson

_____, Respondent

By: _____
(date)

_____, Respondent

By: _____
(date)

Notary Public

Notary Public

This document was prepared and approved for legal sufficiency by:

Pedro J. Mercado, Esq.
Assistant County Attorney
Florida Bar No.: 0084050
P.O. Box 1026
Key West, FL 33041-1026
(305) 292-5046

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

John R. Collins
JOHN R. COLLINS
COUNTY ATTORNEY
Date 01/31/05